

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SOLIZ,

Defendant.

NO. CR-08-2110-LRS

**ORDER DECLARING MISTRIAL AND
SETTING NEW TRIAL DATE AND
PRETRIAL CONFERENCE DATE**

This matter came on for jury trial on September 14, 2009, and concluded on September 15, 2009, when the Court declared a mistrial on sole count in the **Indictment** (Ct. Rec. 1). The government was represented by Assistant United States Attorney Thomas Hanlon, Esq. The Defendant, Michael Soliz, was present and represented by Lee Edmond, Esq. This Order is entered to memorialize the oral rulings of the Court.

On September 15, 2009, the jury in the above-captioned case sent a note to the Court, indicating that they were unable to reach a unanimous verdict. Following receipt of the note, the Court examined the jury, in the presence of counsel, and the defendant. For the reasons set forth in the oral record, the Court concluded that the jury was hopelessly deadlocked and that further deliberation would not

1 assist in reaching a unanimous verdict. Counsel for the parties were
2 given the opportunity to be heard on the issue of whether a mistrial
3 should be declared and neither counsel objected to such a
4 determination by the Court.

5 Accordingly, the Court declared a mistrial on the sole count, and
6 discharged the jury on September 15, 2009.

7 **IT IS HEREBY ORDERED:**

8 1. The Court declares a **MISTRIAL** on the sole count of the
9 Indictment (Ct. Rec. 1).

10 2. Defendant's new speedy trial interval on the sole count of
11 the Indictment shall begin with the entry of this Order memorializing
12 the oral ruling of the Court. See 18 U.S.C. § 3161(e) (stating trial
13 to "commence within seventy days from the date the action occasioning
14 the retrial becomes final"); *United States v. Crooks*, 804 F.2d 1441
15 (9th Cir. 1986) (holding under 18 U.S.C. § 3161(e) that "district
16 court's order, not the dismissal of the jury, constituted the action
17 occasioning the new trial").

18 3. Defendant's NEW TRIAL on the Indictment is set for **November**
19 **9, 2009 at 9:00 a.m.** in **Yakima, Washington.** **Counsel shall meet with**
20 **the Court in Chambers at 8:30 a.m. on the day of trial.** **Any motions**
21 **will be addressed at a pretrial conference in open court at 8:30 a.m.**

22 4. All pretrial motions, including motions *in limine*, must be
23 filed and served **NO LATER THAN October 15, 2009.** Responses and
24 replies to any motions shall be filed and served in accordance with LR
25 7.1(c) and (d).
26

5. The **Pretrial Conference** is **SET** for **October 29, 2009 at 9:30 a.m.** in **Yakima**, Washington. At this hearing, the Court will hear all pretrial motions, including motions *in limine*.

IT IS SO ORDERED. The District Court Executive is directed to enter this order and to provide copies to all counsel, the U.S. Marshal Service, and the Jury Administrator.

DATED this 17th day of September, 2009.

s/Lonny R. Suko

LONNY R. SUKO
CHIEF UNITED STATES DISTRICT JUDGE